

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 27, 2009

DIVISION ONE

1004592-09

THE HONORABLE FRANK Y. JACKSON, Associate Justice of the Court of Appeal, Second Appellate District, Division Seven, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following date:

February 9 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

January 14, 2009

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

January 27, 2009 (Continued)

DIVISION ONE (continued)

1004620-09

The Honorable JOSEPHINE S TUCKER, Judge of the Superior Court of California, County of Orange, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

March 1, 2009 to April 30, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

January 16, 2009

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

January 27, 2009 (Continued)

DIVISION ONE (continued)

1004593-09

The Honorable STANLEY M. WEISBERG, Retired Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

February 2, 2009 to March 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

January 14, 2009

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION TWO

B209348 People (Not for Publication)
v.
Martinez

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

DIVISION TWO (continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION THREE

B199705 People (Not for Publication)
v.
Kyle Lambert McCombs and Dwayne Harris

The five-year sentence under section 667, subdivision (a)(1), as to defendant McCombs is stricken. The abstract of judgment shall be amended accordingly. The clerk of the superior court is directed to forward the amended abstract of judgment to the Department of Corrections. The judgment is otherwise affirmed as to defendant McCombs and defendant Harris.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B199928 People (Not for Publication)
v.
United State Letele

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B205517 People (Not for Publication)
v.
Dena

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

B204628 Boston (Certified for Publication)
v.
Penny Lane Centers, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION SIX

B200639 Anderson (Not for Publication)
v.
Tinsley
Estate of Will

The order is affirmed. Respondent is to recover costs.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (continued)

B203934 Goldberg et al., (Not for Publication)
 v.
 Prickett

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B204910 Elinski (Not for Publication)
 v.
 County of Ventura

The judgment is affirmed. Respondents shall recover costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., O'Neill, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B208502 DCFS v.J. L.
B205380 DCFS v. M.H.
B209124 People v. Derossett
B201522 People v. Hudspeth
B207167 People v. White
B207024 Genethera, Inc. v. Troy & Gould Corp. et al.

Argument waived, cause submitted.

DIVISION EIGHT (continued)

B201982 People
 v.
 Mike Yousefi

Merits:
Argued by Sara H. Rudy for appellant and by Robert Henry, Deputy
Attorney for respondent. Cause submitted.

B206051 People
 v.
 E.C.

Merits:
Argued by Esther R. Sorkin for appellant and by Michael Wise, Deputy
Attorney General, for respondent. Cause submitted.

B200035 People
 v.
 James Truong

Merits:
Argued by Roberta Simon for appellant and by Russell A. Lehman, Deputy
Attorney General, for respondent. Cause submitted.

Flier, J. left the bench.

B204345 Andres N. et al.,
 v.
 David Jimenez et al.,

Merits:
Argued by Andrew N. Chang for appellants and by Douglas Fee for
respondents. Cause submitted.

Flier, J. returned to the bench.

DIVISION EIGHT (continued)

B202997 Dicon Fiberoptics, Inc.,
 v.
 Franchise Tax Board of The State of California

Merits:
Argued by Thomas R. Freeman for appellant and by Mark P. Richelson,
Deputy Attorney General for respondent. Cause submitted.

Bigelow, J. left the bench.

B203174 Kenneth Cleveland, et al.,
 v.
 Internet Specialties West, Inc. et al.,

Merits:
Argued by Filomena E. Meyer for appellants and by Timothy L. Neufeld
for respondents. Cause submitted.

Bigelow, J. returned to the bench.

B202810 Johnson
 v.
 Calif. Dept. of Rehabilitation Appeals Board

Merits:
Argued by Cynthia Johnson, appellant, appearing in propria persona and by
Gala Dunn, Deputy Attorney General, for respondent. In open court the
appellant was granted permission to augment the record on appeal. The
record is ordered augmented with Appellant's Declaration regarding illness.
Submission deferred.

B203999 A.H.
 v.
 County Of Los Angeles

Merits:
Argued by Anita Brenner for respondents. Alaba Ajetunmobi appearance
for appellant and waives argument. Cause submitted.

DIVISION EIGHT (continued)

Court recessed.

Court reconvened at 1:00 p.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., O'Neill, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B200595 Gabriel Bergero et al.,
 v.
 University of Southern Calif. Keck School of Medicine

Merits:
Argued by Arlan Cohen for appellants and by Felix Shafir for respondent.
Cause submitted.

B199241 Linda Newman
 v.
 Alexander Neilla

Merits:
Argued by Richard Pech for appellant and by Susan Cooley for respondent.
Cause submitted.

B206085 Benjamin Gonzalez et al.,
 v.
 Seiden

Merits:
Argued by Scott James Seiden, appellant appearing in propria persona and
by James Rumm for respondents. Cause submitted.

DIVISION EIGHT (continued)

B198401 St. Monica Development Company, LLC
 v.
 Sheppard, Mullin, Richter & Hampton, LLC

Merits:

Argued by Robert Stumpf for appellant and by Jonathan Stein for respondent. Cause submitted.

Court recessed.

Court reconvened at 3:06 p.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., O'Neill, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B205245 Gladys Derrick et al.,
 v.
 Mario Moreno et al.,

Merits:

Argued by Eddie Shaw for appellants and by Michael Allen for respondents. Cause submitted.

B195740 Steven Goldman et al.,
 v.
 KMPG LLP,
 Sidley Austin, LLP

Merits:

Argued by Joseph Ybarra for appellant Sidley Austin, LLP; by James P. Clark for appellant KMPG, LLP and by Stuart Esner for respondents. Cause submitted.

DIVISION EIGHT (continued)

B203062 Fuller
 v.
 Davlyn Investment

Merits:

Argued by Timothy Fuller, appellant appearing in propria persona and by
Abel Ortiz for respondent. Cause submitted.

B204006 Flores
 v.
 Home Depot et al.,

Oral argument continued to February 24, 2009, at 1:00 p.m.

Court adjourned.